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EXTRAORDINARY

PART II—Section 3

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No. 305] NEW DELHI, FRIDAY, JUNE 7, 1957/JYAISTHA 17, 1879

ELECTION COMMISSION, INDIA

NOTIFICATION

New, Delhi, the 1st June, 1957

S.R.O. 1920.—In pursuance of the provisions of Sub-Section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby published a copy of the Election Petition No. 287 of 1957, presented to the Commission on the 25th April, 1957 under section 81 of the said Act, by Shri Babulal Sharma, son of Sawai Lal Sharma, Resident of Shivpuri, District Shivpuri Madhya Pradesh calling in question the election to the House of the People from the Shivpuri constituency of that House of Shri Brij Narayan Brijesh, Hindu Mahasabha Office, Lashkar, Gwalior.

Presented to me by Shri Babulal Sharma whose signature has been obtained in the margin and attested as having been signed before me this the twenty fifth day of April. One Thousand Nine Hundred and Fifty Seven.

(Sd.) DIN DAYAL, 25-4-57, Under Secy.

Election Commission, India.

Sd/- BABULAL SHARMA,
25-4-57.

Attested.

Sd/- DIN DAYAL,
25-4-57.

BEFORE THE ELECTION COMMISSION OF INDIA, NEW DELHI

ELECTION PETITION No. 287 OF 1957.

In the matter of Election Petition relating to the Constituency of Shivpuri (M. P.) for the House of People.

Babulal Sharma son of Sawai Lal Sharma, resident of Shivpuri, District Shivpuri, Madhya Pradesh (an elector in the Shivpuri Parliamentary Constituency.—*Petitioner.*

Versus

1. Shree Brij Narayan Brijesh, r/o Gwalior, District Gird, Madhya Pradesh. Address: Hindu Mahasabha Office, Lashkar-Gwalior-(returned candidate at the Shivpuri Parliamentary Constituency.)
2. Shyam Lal Pandveeya resident of Morar, District Gird, Madhya Pradesh. Address: Congress Office, Gwalior (candidate at the election for the above named Constituency).

(1919)

3. Gautam Sharma r/o Lashkar—Gwalior, Distt. Gird, Madhya Pradesh. Address:—Congress office, Lakshar, Gwalior. (A candidate who withdrew his candidature from the above election).
4. Bharat Bhushan s/o Prakash Chandra, Baraf Khana, R. S. Morar, Distt. Gird, Madhya Pradesh (a candidate who withdrew from the above election).
5. Kanhaiya Lal Gupta, Advocate, Shivpuri, Madhya Pradesh, (a candidate who withdrew from the above election).
6. Shri V. G. Deshpande, Secretary, All India Hindu Maha Sabha. Address:—Hindu Sabha Bhawan, New Delhi. (A candidate who withdrew his candidature).—*Respondents.*

Sir,

The petitioner above-named, begs to submit as follows:—

1. That the petitioner along with all the respondents put in his nomination paper before the Returning Officer for the Shivpuri Parliamentary Constituency in Madhya Pradesh. The Returning Officer accepted all the nominations.

2. That 4th February, 1957 was the last date appointed for withdrawals. The petitioner, respondent No. 5 and No. 6 presented notices of their withdrawals personally and within time. Respondent No. 4 withdrew his candidature through the petitioner and the withdrawal was validly accepted by the Returning Officer.

3. That respondent No. 3 appointed Dr. Manohar Lal Mehta of Shivpuri, his election agent for the above election. Dr. Mehta was never authorised to present any such notice of withdrawal on behalf of Shri Gautam Sharma. But the Returning Officer wrongly accepted the withdrawal. Shri Gautam Sharma, however, contested an Assembly seat in the same District and won by a majority of about 6000 votes. The exclusion of the name of Shri Gautam Sharma has materially affected the election.

4. That the result was declared by the Returning Officer on 11th March, 1957 and this petition is being filed within 45 days as required by the R. P. Act.

5. That when the counting of the votes took place on 11th March, 1957, about 5000 ballots meant for the election of Assembly seats were found in the boxes for Shri Brijesh. Under Rule 57(2) (d) & (c) they ought to have been rejected, but the Returning Officer included them in the count. This fact has again materially affected the election.

6. That Shri Brijesh, respondent No. 1, and his supporters made systematic appeal to the voters to vote on the ground of caste and creed. Personally the respondent No. 1 had been appealing systematically for Brahmin support, he being a Brahmin. For non-Brahmins he would ask whether they were out to murder (meaning thereby to defeat) a Brahmin as against a cow-killer (meaning a member of congress, a party which is not banning cow slaughter in the teeth of opposition). His begging votes as a Brahmin in the above fashion told upon the simple villagers and materially furthered his prospects.

7. That the petitioner has deposited Rs. 1000/- as security as required by the R. P. Act.

8. In fine, it is respectfully prayed that the election of the respondent No. 1 be declared void. The petitioner may kindly be granted such other relief as may be deemed lawful proper and just. The petitioner may be awarded costs of this petition.

DELHI;

BABU LAL SHARMA.

The 25th April, 1957.

Verification

1, Babulal Sharma, solemnly verify that the contents of my above noted petition as contained in paras 1 to 9 are true to my belief and information.

Verified at Delhi, this 25th day of April, 1957.

BABU LAL SHARMA.

Post script.—The sum of Rs. 1000/- has been deposited with the State Bank of India against the token No. 18954 dated 25th April, 1957 on account of the Security deposit for this petition. The regular receipt will be produced when received from the bank. The original token is however submitted for perusal which may kindly be returned to obtain the formal receipt.

Sd./- BABU LAL SHARMA,

Petitioner.

BEFORE THE ELECTION COMMISSION OF INDIA, NEW DELHI.

In the matter of Election Petition relating to the Shivpuri Parliamentary Constituency (Madhya Pradesh).

Babu Lal.....Vs.....Brij Narayan etc.

List of documents relied on

1. Posters appealing to vote for 'Pandit' Brijesh.
2. Government records relating to the Election of Shivpuri Parliamentary Constituency, 1957.
3. The authority letters appointing election agents to the respondent No. 3.
4. The notice of withdrawal submitted by Dr. Mehta for Shri Gautam Sharma.
5. Records with the Returning Officer, Shivpuri in respect of the above named election generally, (i.e. Account of valid ballot papers polled, letters of the Returning Officer to the Election Commissioner in respect of the wrong ballot found in the boxes etc. etc.).

DELHI:

BABU LAL SHARMA,

Petitioner.

The 25th April, 1957

BEFORE THE ELECTION COMMISSION OF INDIA, NEW DELHI.

In the matter of Election Petition relating to the Constituency of Shivpuri (Madhya Pradesh) for the House of People.

Sir,

I produced the token received from the State Bank of India on the deposit of Rs 1000/- as security money. But as you insisted on the production of actual challan I have been to the Bank and am producing challan no. 2096 (original copy) with this application for your satisfaction. Kindly note the receipt of the challan on the petition.

Sd./- BABU LAL SHARMA,

Petitioner.

DELHI;

The 25th April, 1957

The treasury challan has been received with this application this the twenty fifth day of April one thousand nine hundred and fiftyseven.

Sd/- DIN DAYAL.

The 25th April, 1957

[No. 82/287/57.]

DIN DAYAL, Under Secy.

